

REMARKS

In the Office Action of May 3, 2005, claims 1-48 and 51 were allowed. Claim 49 was rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Spiess (U.S. Patent No. 2,723,790), and claims 49 and 50 were rejected under 35 U.S.C. § 112 as being allegedly indefinite.

In this Amendment, Applicants have corrected the typographical error appearing in claim 49, as pointed out by the Examiner. Applicants thank the Examiner for his close attention to detail in this regard. Applicants submit that the amendment to claim 49 does not comprise any narrowing amendment and is merely a correction of an informality. Applicants thus request withdrawal of the rejection of claims 49 and 50 under Section 112.

With regard to the rejection under Section 102(b), Applicants respectfully submit that Spiess does not disclose or suggest all elements of the claimed combination. In particular, claim 49 recites a continuous circular motion filling machine for filling containers conveyed thereto, the machine including, for example, a rotating platform having an in-feed section disposed to receive empty containers and an out-feed section disposed to transfer filled containers from said rotating platform, a filling turret having a plurality of circumferentially disposed filling elements movable between a rest position and a filling position as said turret rotates between said in-feed and out-feed sections, and an in-feed guide element disposed generally at said in-feed section so as to guide the containers from said conveyor onto said rotating platform in a desired pattern, said in-feed guide element extending around at least a portion of the circumference of said rotating platform. The filling elements are movable from said rest position to said filling position before the containers are moved beyond said in-feed guide elements.

The Office Action states that the Speiss device includes an in-feed section (curved path which leads from conveyor belt to rotating portion of machine) and in-feed elements (walls of in-feed section), and movable filling elements 29 (guide plates). Thus, Applicants understand that the Office Action is identifying the infeed section as beginning on portion 10 of conveyor 11 and ending on lower circumferential flange 25 of turret 17. The end of the infeed section occurs at some point adjacent wheel 15 where a container 13 was still in contact with wheel 15. At this point, the curved portion of the longer wall used to direct containers 13 onto flange 25 ends. As shown in Fig. 1, such end point would occur at about a 1:00 to 2:00 (as on a clock face) position with reference to wheel 15.

Fig. 2 of Speiss depicts an area along flange 25 downstream from end portion of in-feed section. In other words, the portion of the machine shown in Fig. 2 is not within in-feed section, and is beyond the end of the un-numbered, curved wall discussed above. As shown in Fig. 2, guide plates 29 have not yet moved into place to contact container 13 so as to achieve a filling position. That contact occurs further around the machine, as illustrated in Figs. 4 and 5. Therefore, the machine of Speiss does not bring guide plates 29 into contact with containers 13 until after the containers have moved beyond the un-numbered wall.

This arrangement may be contrasted the claimed subject matter, an example of which is shown in Fig. 1 of the present application, in which containers beneath filling head 28d are already contacted by its filling elements 30 (i.e., in filling position) before passing the ends of in-feed guide elements 38. Therefore, Speiss does not disclose or suggest a device in which filling elements are movable from a rest position to a filling position before the containers are moved beyond in-feed guide elements, as claimed. Accordingly, Applicants request that the Examiner

withdraw the rejection under Section 102(b).

In view of the above, Applicants respectfully request the reexamination and reconsideration of the present application, and the allowance of pending claims 1-51.

Finally, Applicants ask that the Examiner consider the references noted on the Information Disclosure Statement filed with this Amendment.

If any fee not accounted for above is required for entry of this Amendment or papers filed herewith, authorization is hereby granted to charge such fee to Deposit Account No. 04-1403. If any petition is required for entry, such petition is hereby made and any associated fees may also be charged to our deposit account.

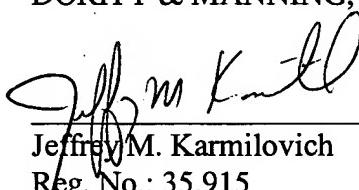
The Examiner is encouraged to call the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

DORITY & MANNING, P.A.

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